



Entered on Docket
August 26, 2011

A handwritten signature in black ink, appearing to read "R. B."

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Second Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based Entirely Upon Investment In
The Eagle Meadows Loan**

Hearing Date: July 26, 2011

Hearing Time: 1:30 p.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The "Eagle Meadows Loan ("Eagle Meadows Loan") [DE 8561] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to repayment by the

1 borrower or from the collateral securing the Eagle Meadows Loan; and good cause
2 appearing:

3 **IT IS ORDERED** that:

4 1. The Objection [DE 8561] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed in full because those
6 claims are based entirely upon an investment in the Eagle Meadows Loan.

7
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**
10

11 By /s/ John Hinderaker (AZ #018024)
12 Robert M. Charles, Jr.
13 John Hinderaker (*pro hac vice*)
14 3993 Howard Hughes Parkway, Ste. 600
15 Las Vegas, Nevada 89169-5996
Telephone: (702) 949-8320
Facsimile: (702) 949-8321

16 *Attorneys for USACM Liquidating Trust*
17
18
19
20
21
22
23
24
25
26

1 LOCAL RULE 9021 CERTIFICATION

2 In accordance with LR 9021, counsel submitting this document certifies that the order
3 accurately reflects the court's ruling and that (check one):

4 _____ This Court has waived the requirement set forth in LR 9021(b)(1).

5 XXX No party appeared at the hearing or filed an objection to the motion.6 I have delivered a copy of this proposed order to all counsel who
7 appeared at the hearing, and any unrepresented parties who appeared
8 at the hearing, and each has approved or disapproved the order, or
9 failed to respond, as indicated below [list each party and whether the
document]:

10 Counsel appearing: _____

11 _____ I certify that this is a case under Chapter 7 or 13, that I have served a
12 copy of this order with the motion pursuant to LR 9014(g), and that
no party has objected to the form or content of the order

14 U.S. Trustee: <u>Augie Landis</u>	
15 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> d isapproved the form of this order
16 <input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
17 Other Party: _____	
18 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
19 <input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

21 Submitted by:
22 LEWIS AND ROCA LLP23 By: /s/ John Hinderaker. (AZ #018024)
24 Attorneys for USACM Liquidating Trust25 # # #
26

**USACM Trust
Eagle Meadows
Single Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Eagle Meadows Development Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Eagle Meadows Development Loan
10725-01225	11/10/2006	Chelew, Paul	2855 Telegraph Ave Ste 601 Berkeley, CA 94705	120,000.00	120,000.00
10725-01025	11/6/2006	Clerdening Family Trust Dtd 10/8/2004	John P & Doreen Clerdening Trees 1250 Davidson Way Reno, NV 89509-3141	50,520.83	50,520.83
10728-00044	9/25/2006	Daniel O & Takeko Carlton Revoc Trust Dtd 4/30/97	C/O Daniel & Takeko Carlton Tee 6124 Kami St North Las Vegas, NV 89081	75,000.00	75,000.00
10725-02164	1/12/2007	Daniel, Gregory Scott	20 Redonda Irvine, CA 92620	101,493.04	50,746.52
10725-00700	10/24/2006	Ebaugh, Monica C	412 Elk CIR Basalt, CO 81621-8202	53,272.06	53,272.06
10725-00982	11/3/2006	Emerald 18 Trust	C/O Avi Barashi Tee PO Box 36703 Las Vegas, NV 89133	101,041.67	101,041.67
10725-01164	11/9/2006	Graham, Douglas S & Valerie L	Po Box 276 Cambria, CA 93428-0276	53,500.00	53,500.00
10725-00484	10/6/2006	Harkins 2001 Revocable Trust Dtd 8/23/01	Leslie & Linda Harkins Teees 5360 Bellazza Court Reno, NV 89519	50,000.00	50,000.00
10725-00613	10/16/2006	Harkins 2001 Revocable Trust Dtd 8/23/01	Leslie & Linda Harkins Teees 5360 Bellazza Court Reno, NV 89519	50,000.00	50,000.00
10725-00086	7/17/2006	Hoglund, John A IRA	740 North 78 th Street Seattle, WA 98103	104,166.39	104,166.39

EXHIBIT A